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10/586,230	07/18/2006	Ronggao Li	38701-005US1	2958

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EXAMINER

ADDY, ANTHONY S

ART UNIT	PAPER NUMBER
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2617

NOTIFICATION DATE	DELIVERY MODE
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03/11/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Advisory ACTION

Response to Arguments

Applicant's arguments filed on February 11, 2010 have been fully considered but they are not persuasive.

In response to applicant's argument that “the combination of Cohen, Aitken and Koponen fails to disclose, teach, or suggest, if all the short messages of the group obtained by segmenting are sent successfully in a predetermined time, the Short Message Service Center returns an Acknowledgment Message to the PPG, and if any one of the short messages of the group obtained by segmenting is sent unsuccessfully in a predetermined time, the Short Message Service Center returns a Submission Failure Message to the PPG (see page 7, second paragraph of the response),” examiner respectfully disagrees and maintains that the combination of Cohen, Aitken and Koponen meets the limitations as claimed. Examiner reiterates that Koponen teaches a method and apparatus for processing SMS and corresponding messages wherein when the Short Message Service Centre (SMS centre) forwards a message to a mobile terminal, the SMS centre may send an acknowledgement to the SMS-gateway, which forwards the acknowledgment to the service provider (see p. 4 [0038, lines 1-7] and fig. 4a). Koponen further teaches the SMS centre splits the messages and submits them in pieces and the mobile terminals concatenate the pieces of a message automatically (see p. 3 [0035]). According to Koponen, the acknowledgment informs about a successful or an unsuccessful transmission of the message (see p. 4 [0038]).

Applicant further argues that the SMS-gateway does not determine from the acknowledgement of Koponen at step 406, whether all the short messages have been

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successfully sent to the mobile station, since this acknowledgement only informs about the successful or unsuccessful transmission of a message to the SMSC, and not about the successful or unsuccessful transmission of a message to the mobile station (see page 8, second paragraph of the response), examiner respectfully disagrees, since Koponen clearly teaches the SMS centre forwards the message to the mobile terminal (see p. 4 [0038]), and contrary to Applicant's assertions, Koponen does not teach or suggests the acknowledgment message is not about the successful or unsuccessful transmission of a message to the mobile station. Examiner further reiterates that regardless of Applicant's assertions above, Koponen clearly teaches the SMS centre gets the delivery status from the mobile terminal, and the received delivery status is sent by the SMS centre to the SMS-gateway, which forwards it to the service provider (see p. 4 [0038]). According to Koponen, from the delivery status, the service provider knows whether the mobile terminal received the message (*i.e., interpreted to read on the successful or unsuccessful transmission of a message to the mobile terminal*) (see p. 4 [0038]), hence Koponen broadly interpreted and as incorporated with the teachings of Cohen and Aitken meets the claimed limitations of "if all the short messages of the group obtained by segmenting are sent successfully in a predetermined time, the Short Message Service Center returns an Acknowledgment Message to the PPG, and if any one of the short messages of the group obtained by segmenting is sent unsuccessfully in a predetermined time, the Short Message Service Center returns a Submission Failure Message to the PPG."

In response to applicant's argument that the references fail to show certain features of applicant's invention (see page 8, third paragraph of the response), it is noted that the features upon which applicant relies (*i.e., only a single acknowledgment message*

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is transmitted from the SMSC to the service provider), are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore it has been held that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In the present application, applicant's arguments are based on considering each reference individually while the rejection is based on a combination of references, hence the rejections using the combination of Cohen, Aitken and Koponen are proper and maintained.